

DRAFT

STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING

October 6, 2022, at 11:00 a.m.

Indiana Government Center South
402 West Washington Street, Room W064
Indianapolis, Indiana

CALL TO ORDER

The meeting was called to order at 11:00 a.m. by Kathleen Matuszak, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

BOARD MEMBERS PRESENT: Kathleen Matuszak, Chairperson
Thomas Sproles, Vice Chairman
Christopher Cooke (electronically)

BOARD MEMBER ABSENT: Frank Downing

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Marianna Kassenbrock, Assistant Board Director
Clarence Leatherbury, Deputy Attorney General

ADOPTION OF THE AGENDA

Sproles/Cooke

3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

ADOPTION OF THE MINUTES FROM THE AUGUST 4, 2022, MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes.

Cooke/ Sproles

3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

OFFICE OF THE ATTORNEY GENERAL REPORT

Written and verbal report provided

CONSIDERATION OF PROPOSED SETTLEMENT AGREEMENTS

1. Samuel W. Hall, FD01001942, 2022SBFCS0001

A motion was made and seconded to accept the Proposed Settlement Agreement.

Cooke/Matuszak

3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

2. East Hill Cemetery Company, CM42200001, 2022SBFCS0020

A motion was made and seconded to accept the Proposed Settlement Agreement.

Cooke/Sproles

3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

3. Grinsteiner Funeral Home, FH11500005 & CA21500030, 2022SBFCS0021

A motion was made and seconded to reject the Proposed Settlement Agreement.

Sproles/Cooke

3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

4. Charles Agugliaro, FD1023403, 2022SBFCS0022

A motion was made and seconded to reject the Proposed Settlement Agreement.

Sproles/Cooke

3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

ADMINISTRATIVE HEARINGS

1. TMG Funeral and Cremations Services, LLC, FH11600020 & CA21600039, 2020SBFCS0017

The Hearing was continued.

2. Ellis Funeral Home, LLC, FH11500004 & CA21500028, DiAngelo Wragg, FD22100005, and Craig Ellis, 2022SBFCS0004, 2022SBFCS0005, 2022SBFCS0006

A motion was made and seconded to sever the matters and conduct the hearing for DiAngelo Wragg only.

Sproles/Cooke

3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

A motion was made and seconded to issue a Notice of Proposed Default in the matter of Ellis Funeral Home, LLC, FH11500004 & CA21500028 and Craig Ellis.

Sproles/Cooke

3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

A motion was made and seconded that the State proved its case and find DiAngelo Wragg in violation of five (5) counts, place the license on indefinite probation with no right to petition for reinstatement for a period of six (6) months, require four (4) hours of continuing education via the Indiana Funeral Directors Association Crash Review course, and pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.

Sproles/Cooke

3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

3. Samuel W. Hall, FD01001942, 2022SBFCS0001 – Vacated

4. East Hill Cemetery Company, CM42200001, 2022SBFCS0020 – Vacated

ADMINISTRATIVE HEARING TO CONSIDER EXTENSION OF SUMMARY SUSPENSION

1. Samuel W. Hall, FD01001942, 2022SBFCS0001 -vacated

2. Benjamin L. Rawls, FD21300082, 2022SBFCS0019

Mr. Rawls' Attorney arrived at 2:21 pm when Mr. Rawls was answering the Board's first question.

A motion was made and seconded to deny the motion to extend the summary suspension due to the fact that the condition of the deceased was not caused by the Respondent, rather it was early onset of tissue gas that could not have been reversed and the board believed the deceased was embalmed based on the evidence provided.

Sproles/Cooke

3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

PERSONAL APPEARANCE

1. John Sherrill, FD29500085, 2021SBFCS0023 – Tabled until the December meeting.

DISCUSSION OF IPLA INSPECTION POLICIES AND PROCEDURES

Zaneta Nunnally and Courtney Calvert addressed the board regarding the agency's inspection policies and procedures. Ms. Nunnally indicated Pharmacy takes priority over the other boards the division is responsible for. When an inspector is in an area for pharmacy inspections, if they have time, they will conduct routine inspections for beauty culture salons or funeral homes while in the area. The Pharmacy statutes require inspections prior to each renewal which results in the prioritization.

Complaints and new funeral home inspections are priority over routine inspections.

Tom Sproles would like all funeral homes inspected at least once every two years. Mr. Sproles indicated he has not been inspection in the sixteen years since he opened his funeral home.

The compliance division is going to make it a priority to be more proactive than reactive. Ms. Nunnally asked that any complaints be directed to the following e-mail: Placompliance@pla.in.gov.

A Compliance Report line item will be on every agenda to give Ms. Nunnally an opportunity to provide the board with a compliance report.

The board offered their assistance with any questions the inspectors may have at any time.

The board requested a list at every meeting of new funeral homes with owners, branches with owners, and individuals issued since the previous meeting.

DISCUSSION OF THE NATIONAL BOARD EXAMINATION REVIEW

The board will invite all parties concerned to the December 1, 2022, meeting at 9:00 a.m. to give them fifteen minutes to address the board with their concerns about the possibility of eliminating the national examination for issuance of a funeral director intern and funeral director license.

Jon Rettig Sr. from the International Conference of Funeral Service Examining Boards was in attendance at the meeting. He has funeral homes and crematory in Ohio. He serves on the Ohio board. He found our meeting very interesting along with our compliance/complaint process. Mr. Rettig was invited to attend the December meeting to present his argument to the board

DISCUSSION OF CEMETERY APPLICATION AND APPROVAL PROCESS

Chris Cooke will send application amendments to the agency for the board to consider at the December meeting.

DISCUSSION OF CONTINUING EDUCATION PROVIDER RESOURCES

The board discussed how a funeral director could find board approved continuing education providers using the Indiana Professional License Agency website.

VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

1. Colleen Risk for Edith E. Ison
Re: Winklepleck Weesner Funeral Home, FH83000655 (Closed)

A motion was made and seconded to table the matter to determine who the correct party should be to request the restitution.

Cooke/Sproles
3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

2. Voss Funeral & Cremation Service, Inc. for Edith E. Ison
Re: Winklepleck Weesner Funeral Home, FH83000655 (Closed)

A motion was made and seconded to table the matter to determine who the correct party should be to request the restitution.

Cooke/Sproles
3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

3. Rees Funeral Home for Matilda Terry
Re: Kraft Funeral and Crematory, Inc., FH10000005 (Closed)

A motion was made and seconded to approve the request in the amount of \$3761.00 plus interest not to exceed the cost of the at-need contract.

Sproles/Cooke
3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the continuing education report as indicted below.

Sproles/Cooke
3/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

COURSES FOR APPROVAL

Colibri Healthcare LLC- CE10800701 – all approved

1. Cremation: The Facts- Ongoing/Home study- 2 CEU
2. Current Trends in the Funeral Industry- Ongoing/Home study- 3 CEU
3. Diversity and Inclusion in Funeral Service- Ongoing/Home study- 2 CEU

4. Effective Communication with Seniors- Ongoing/Home study- 1 CEU
5. Formaldehyde Monitoring Update- Ongoing/Home study- 2 CEU
6. Funeral Marketing in the 21st Century- Ongoing/Home study- 4 CEU
7. OSHA and CDC Compliance for the Funeral Profession- Ongoing/Home study- 1 CEU
8. Religions in the United State- What Every Funeral Director Should Know- Ongoing/Home study- 5 CEU
9. Serving Survivors of Suicide Loss- Ongoing/Home study- 2 CEU
10. Suicide- Supporting Survivors- Ongoing/Home study- 1 CEU
11. Talking with Children About Death- Ongoing/Home study- 2 CEU
12. The Impact of Grief in Elder Adult Populations- Ongoing/Home study- 2 CEU
13. Green Funerals- Ongoing/Home study- 5 CEU
14. Grief and the Role of the Funeral Professional- Ongoing/Home study- 5 CEU
15. History of Embalming and Restorative Arts- Ongoing/Home study- 3 CEU
16. HIV/AIDS- Communicable Diseases and OSHA Bloodborne Pathogens- Ongoing/Home study- 2 CEU
17. Infant Embalming- Ongoing/Home study- 1 CEU
18. Infectious Disease Control for Funeral Directors and Embalmers- Ongoing/Home study- 4 CEU
19. Above Ground: Anatomical Embalming Roles in Society-Ongoing/Home study- 1 CEU
20. Advanced Embalming- Ongoing/Homecoming- 2 CEU
21. Aftercare- Extending a Helping Hand All Year Round- Ongoing/Home study- 1 CEU
22. Complying with the Federal Trade Commission Rules- Ongoing/Home Study- 1 CEU
23. Complying with the Funeral Rule- Ongoing/Home study- 3 CEU
24. Coping with Difficult People and Situations- Ongoing/Home study- 2 CEU
25. It's Not Your Father's Funeral Home- Ongoing/Home study- 3 CEU
26. Managing Stress and Your Client- Ongoing/Home study- 2 CEU
27. Marketing Within Your Community- Ongoing/Home study- 2 CEU
28. Military and Line of Duty Death Services- Ongoing/Home study- 3 CEU
29. Modern Restorative Arts and Embalming Techniques- Ongoing/Home study- 3 CEU
30. Opioids: Contributing to Both Health and Death- Ongoing/Home study- 2 CEU
31. The Survivor's Guide to Social Security Benefits- Ongoing/Home study- 2 CEU
32. Training New Embalmers- Ongoing/Home study- 2 CEU
33. Understanding Mental Health and Funeral- Ongoing/Home study- 1 CEU

Indiana State Coroners Association- CE10800754 – All denied because they do not fall under any of the subjects listed in the administrative rules.

1. 2022 Dr. David Avolt In-Service Training Conf.- 6.16.2022-6.18.2022- 18 CEU
2. 40-Hour Medicolegal Death Invest Course- 9.7.2022-9.11.2022- 40 CEU

National Funeral Directors and Morticians Association- CE10800785 – All approved

1. Diversity, Equity & Inclusion - 8.24.2022- 2 CEU
2. Roberts Rules in Motion – 8.24.2022 – 2CEU

Indiana Donor Network - CE21600014 – All denied for failure to provide course outlines.

1. Funeral Director Council Meeting – Virtual and in Person – 3 times yearly – 2 CEU

Vermilion County Funeral Directors Association – CE10800843 – All denied for failure to provide course outlines.

1. Rich Herr & Jeff Bayler with Kelly Vault – 10.5.2022- 1 CEU
2. Ryan Cattoni with AquaGreen Dispositions – 10.5.2022 – 1 CEU
3. Shane Ritchie, CFSP Post Mortem Reconstructive Art – 10.5.2022 -2 CEU
4. Ben Schmidt Embalming Instructor – 10.5.2022 – 2 CEU

5. Mati Carroll With Veteran Assistance Commission of Vermilion County, IL 10.5.2022 -1 CEU
6. Terry Plumber, CFSP Insurance/Medicaid – 10.5.2022 – 1 CEU

Graystone Associates, Inc. – CE21100027 – All approved

1. Quick Start One – Ongoing – 4 CEU
2. Quick Start Two – Ongoing – 4 CEU
3. Talking Points – Ongoing – 7 CEU
4. Telephone Skills One – Ongoing – 7 CEU
5. Telephone Skills Two – Ongoing – 7 CEU
6. The Art of Recovery – Ongoing – 4 CEU
7. Funeral Director Skills Three – Ongoing – 7 CEU
8. Funeral Service Associates – Ongoing – 7 CEU
9. Interpersonal Skills – Ongoing – 7 CEU
10. Interpersonal Skills Advanced – Ongoing – 7 CEU
11. Other People’s Funerals – Ongoing – 7 CEU
12. Preneed Feedback – Ongoing – 7 CEU
13. Cemetery Feedback – Ongoing – 7 CEU
14. Cremation Intensive – Ongoing – 3.5 CEU
15. Exceptional Customer Service – Ongoing - 7 CEU
16. Exceptional Value – Ongoing – 7 CEU
17. Funeral Director Skills One – Ongoing – 7 CEU
18. Funeral Director Skills Two – Ongoing – 7 CEU
19. Funeral Director Review – Ongoing – 7 CEU

Selected Independent Funeral Homes – CE10800819 - Approved with a change to the 1.5 hour courses. They are approved for one hour each.

1. Opening Session & Keynote Address – 9/22/22 – 2 CEU
2. Brand Now: Scrappy Ideas – 9/22/222 – 1.5 CEU
3. Building Blocks for a Successful Funeral Business – 9/22/22 – 1.5 CEU
4. Helping Your Client Families Understand Estate Processes – 9/22/22 – 1.5 CEU

Wilbert Funeral Services – CE21500018 – All approved

1. Estate and Succession Planning – 10/27/22 – 1 CEU
2. Simple Actions to Take Control of Your Website – 11/10/22 – 1 CEU
3. ABC’s of Shipping Human Remains – 12/1/22 – 1 CEU
4. Embalming Liabilities – 12/15/122 - 1 CEU

Madison County Funeral Directors Assoc. – CE10800768 – All approved

1. Family Loss – A Chaplain’s Perspective – 8/9/22 – 1 CEU
2. Madison Co. Mass Casualty Protocol – 10/18/22 – 1 CEU

David G. Hicks – CE22000019 – All approved

1. Moisture: Too Little, Too Much – Ongoing – 2 CEU
2. Embalming Unknowns – Ongoing – 2 CEU
3. Cavity Treatment – Ongoing - 2 CEU
4. Microbes & Morticians – Ongoing – 2 CEU
5. Best Practices for Embalming Autopsy – Ongoing – 1 CEU
6. Best Practices for Embalming Organ/Tissue Donor – Ongoing – 1 CEU

ADJOURNMENT

The meeting adjourned at 5:21 p.m.

Next Scheduled Meeting:
Thursday, December 1, 2022